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Personnel

**NON-US CITIZEN EMPLOYEE WORK
STOPPAGES**

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This instruction implements AFD 36-7, Employee and Labor-Relations Management. It provides guidance on developing and executing plans in the event of strikes, slowdowns, walkouts, and related work stoppages involving non-US citizen direct hire, indirect hire, or contractor employees performing under major service contracts where a work stoppage would impact the areas of safety, health, or cause a disruption of mission essential services. It is for use by all commanders and key managers who use and direct substantial numbers of non-US citizen employees or who manage programs whereby work stoppages would curtail operations and mission support activities. Use this instruction with AFI 64-106, Air Force Industrial Labor Relations Activities. This instruction applies to all United States Air Forces in Europe (USAFE) units, it does not apply to the Air Force Reserve Command (AFRC) or Air National Guard (ANG) units. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 37-123, *Management of Records* and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located at: .

SUMMARY OF REVISIONS

This revision changes organizational symbols to reflect Headquarters United States Air Forces in Europe (HQ USAFE) A-Staff nomenclature. Organizational office symbols have changed from DP to A1 in **Attachment 3, A3.3.1.**; from DPCP to A1CP in the OPR line, paragraph **7.1.2.**; from DPC to A1C in the certifier line, paragraph **7.1.6., 7.3., 7.3.4., Attachment 1** Terms: Command Labor Relations Advisor, **Attachment 3 A3.3.1.3., A3.3.1.6., A3.3.1.7., A3.3.2.2., A3.3.5., A3.3.5.1.**; from DPA to A1A in paragraph **6.2., 7.2.2., 7.3.5., 7.4., 7.4.2., Attachment 2 A2.2.1.2.2.1.** Paragraph **6.2.** changed Management Division to Resource and Force Development. Paragraph **6.3.** corrected the 4 digit APO extension. Paragraph **7.1.2.** deleted the word Branch. Paragraph **7.2.2.** changed XP to A5M. Corrected the Signature Block. **Attachment 1** Terms: Labor Relations Coordinator changed LGCK to A4CP. **Attachment 3 A3.3.1.** changed LG to A4, **A3.3.1.7.** changed LGC to A4C. A bar (|) indicates revision from the previous edition.

1. General Information. A significant portion of USAFE's work force consists of non-US citizen personnel employed under direct hire, indirect hire, or service contracts. The majority of these positions are in support functions and if their availability is lost through any type of work stoppage, it may seriously hamper or suspend operations. Effective emergency planning is essential to assure continuation of operations, protection of government property, and the safety and welfare of US personnel and non-US employees who are not engaged in work stoppage activities.

2. Knowledge of Host Country Labor Situation. Whenever non-US citizens are employed, regardless of the employment system, commanders and management officials must acquire a working knowledge of host country labor-management relations and any collective labor agreements (CLA). The civilian personnel flight (CPF), as the installation's primary advisor on host country civilian labor matters, provides training, advice, and interpretation regarding applicable labor laws and CLAs. The staff judge advocate (SJA) advises management on legal options available when work stoppages create problems relative to these labor laws and CLAs (i.e., law enforcement activities when access to an installation is blocked by striking workers or host country obligations under base rights agreements, etc.).

3. Recognizing Potential Work Stoppages. The highest potential for work stoppage occurs during collective bargaining. With this in mind, management enters negotiations ready to bargain in good faith and seek solutions, which prevent strike potential. Far less obvious are conditions that may lead to wildcat strikes, demonstrations, and work slowdowns. Causes may cover a range of factors, such as internal union politicking, jurisdictional disputes, a perceived grievous management act, or host country affairs. Management should continually monitor the labor environment to identify potential problem situations, which may cause work stoppages or slowdowns. Normally, this type of spontaneous stoppage consists of a short duration (1 or 2 days), allows for limited response time, and produces more of an irritant than obstruction to operations.

4. Efforts to Preclude Work Stoppages. Within reasonable bounds and assuming that a compromise can be achieved between the opposing factions, management must strive to resolve strike conditions. Under some circumstances this may not be possible, i.e., arbitrary demands in collective bargaining that would produce unreasonable economic or operational precedents, jurisdictional disputes, responses to international issues, etc. When a work stoppage occurs, management must avoid actions that would agitate the situation, make resolution more expensive, or embarrass the US Government.

5. Relationship of Economic Factors and Duration of Work Stoppages. When workers engage in strike activities, the employer legally stops their pay. A striking employee faces serious financial loss during a prolonged strike. For example, a 90-day strike would reduce the employee's annual pay by approximately 25 percent. If the strike produced a 15 percent pay increase, it would take about 2 years to regain the wages lost during the 90-day strike. In Europe, since few unions maintain well-financed strike funds, prolonged strikes are not likely to occur. Work stoppages in excess of 10 days are rare; however, Air Force work stoppage plans are developed based on a 30-day strike scenario.

6. Personnel Augmentation:

6.1. The primary means of coping with work stoppages that are up to 10 days are accomplished by internal actions. Such actions may include realignment of the remaining workforce (US civilian, military, and nonstriking foreign national employees--unless prohibited by host nation labor laws), extension of duty days, and curtailment of low priority support functions.

6.2. If indications are that the strike could last beyond 10 days, external augmentation may be required. Base engineer emergency forces (Prime BEEF) contingency teams and other task groups may be deployed, unless it is determined that existing US Host Nation agreements and/or host country labor laws prohibit outside augmentation. Work stoppage plans are developed to identify minimal external personnel augmentation to cover prolonged strike situations. For processing and intra-command tasking, send requests for external personnel augmentation to Military Personnel Resource and Force Development (HQ USAFE/A1A), UNIT 3050 BOX 25, APO AE 09094-5025.

6.3. Funding for external personnel augmentation is charged to the appropriate activity under existing US Air Force financial management directives and guidance. Installations will track all personnel augmentation costs using appropriate financial management procedures. In the event activity funds are not available, forward requests for funding to Financial Analysis Division (HQ USAFE/FMA), UNIT 3050 BOX 5, APO AE 09094-0505, for review and action.

7. Responsibilities:

7.1. Installation Commanders:

7.1.1. Develop a work stoppage emergency plan using the sample format provided in [Attachment 2](#), tailored to the local peacetime environment situation. Published plans are:

7.1.1.1. Annotated For Official Use Only with distribution limited to key installation activities.

7.1.1.2. Reviewed annually, and immediately following any work stoppage, to determine if changes required.

7.1.1.3. Referenced in appropriate operation plans.

7.1.2. Forward 15 copies of the work stoppage emergency plan and each revision to Civilian Policy (HQ USAFE/A1CP), UNIT 3050 BOX 25, APO AE 09094-5025, within 15 workdays of publication for distribution within the headquarters functional staff.

7.1.3. Establish a work stoppage monitoring group (WSMG) with designated representatives from organizations with significant non-US citizen employees. Designate one individual as the WSMG chief.

7.1.4. Ensure the contracting officer reports any threatened or actual work stoppage of contract employees to the installation CPF.

7.1.5. Ensure the local CPF provides necessary guidance and training to key installation managers regarding local labor management relation issues.

7.1.6. Advise the Civilian Personnel and Personnel Resources Division (HQ USAFE/A1C) of all potential work stoppage situations, subsequent developments, and provide daily status report on stoppages in progress.

7.1.7. Handle labor disputes and work stoppages involving contractor personnel according to instructions in [Attachment 3](#).

7.2. HQ USAFE Functional Managers:

7.2.1. Validate functional augmentation requirements identified by the installation in the appropriate functional annex of the work stoppage plan.

7.2.2. Coordinate with the Manpower and Organization Division (HQ USAFE/A5M) as necessary and maintain copies of plans. In the event of an actual or projected work stoppage, HQ USAFE functional managers will determine final unit tasking for augmentees, coordinate with HQ USAFE/A1A when a work stoppage is anticipated to go beyond 10 days, and arrange transportation and logistic support requirements as needed for moving augmentees.

7.3. HQ USAFE/A1C:

7.3.1. Serves as point of contact (POC) for all emergency planning and the command POC for receiving information concerning base maintenance contractor potential or actual work stoppage situations involving contract employees.

7.3.2. Acts as the command primary advisor on host country, civilian labor matters for all appropriate commanders, managers, supervisors, and contracting representatives.

7.3.3. Provides command guidance on the development of work stoppage emergency plans.

7.3.4. Receives installation work stoppage emergency plans and distributes copies to the appropriate HQ USAFE functional staffs. HQ USAFE/A1C reviews and maintains copies of all installation work stoppage emergency plans. When necessary, HQ USAFE/A1C coordinates the work stoppage plan with other Department of Defense components, State Department, and host country officials.

7.3.5. Notifies HQ USAFE/A1A of all situations in which a work stoppage is anticipated to last more than 10 days, and provides information that may impact augmentation requirements or implementation.

7.3.6. Provides status reports to HQ USAFE staff agencies on matters relating to work stoppages.

7.4. HQ USAFE/A1A:

7.4.1. Serves as POC for all military augmentation identified in the various installations' work stoppage emergency plans.

7.4.2. Coordinates with functional managers and tasks units with augmentation requirements. HQ USAFE/A1A provides command guidance to tasked units on deployment of augmentees.

7.4.3. Forwards a request for inter-command personnel augmentation to the Air Force Personnel Center (AFPC/DPA) in the event USAFE units are unable to provide sufficient numbers of augmentees for deployment.

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Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

Federal Acquisition Regulation

AFPD 36-7, Employee and Labor-Relations Management

AFI 64-106, Air Force Industrial Labor Relations Activities

Abbreviations and Acronyms

AFSC—Air Force Specialty Code

CO—Contracting Officer

CLA—Collective Labor Agreement

CPF—Civilian Personnel Flight

CSMT—Contractor Strike Monitoring Team

FAR—Federal Acquisition Regulation

NAF—Numbered Air Force

OPLAN—Operation Plan

PRIME BEEF—Base Engineer Emergency Forces

RC—Responsible Commander

SJA—Staff Judge Advocate

TDY—Temporary Duty

USAFE—United States Air Forces in Europe

WSMG—Work Stoppage Monitoring Group

Terms

Collective Labor Agreement—A labor contract, resulting from collective bargaining, that defines responsibilities and actions of an employer and representative union or agent of the employees over a specified period of time.

Command Labor Relations Advisor—The office of primary responsibility for this function is HQ USAFE/A1C.

Contracting Officer (CO)—The link between the installation commander and the contractor as specified in Federal Acquisition Regulation (FAR), Part 22, and Air Force and USAFE supplements. Any person who, either by virtue of their position, or by appointment according to procedures prescribed by the FAR, is currently a CO with the authority to enter into and administer contracts and make determinations and findings with respect thereto or with any part of such authority.

Contractor Employee—An employee hired in support of a major service contract.

Contractor Strike Monitoring Team (CSMT)—A subfunction of the WSMG consisting of the responsible commander (paragraph A3.3.1.); the contracting officer (CO); the SJA; and the civilian personnel officer; specifically geared to take optimum action for prompt resolution of work stoppages involving contractor personnel.

Direct Hire—An employment system where the US Forces performs the full range of labor administration and management of non-US citizen employees, from recruitment through termination.

Indirect Hire—An employment system involving the host government or a contract agent as legal employer of non-US citizen personnel utilized by the US Forces. The system is required to maintain the US Government's sovereign immunity wherever host government labor laws subject the employer to court proceedings on individual employee claims or to collective bargaining on labor agreements coupled with recourse to the courts on agreement disputes.

Labor Relations Coordinator—The USAFE contracting representative responsible for staff assistance on contracting policy during labor disputes. The office of primary responsibility is Contracts and Policy Branch (HQ USAFE/A4CP). In the event of a labor dispute, comply with AFI 64-106, paragraph 2.4.2.

Negotiation Parameters—Guidelines and instructions developed by the command labor relations advisor and approved by the contracting officer for the contractor to implement in the contractor's negotiations with the labor union on employee and union demands.

Slowdown—A non-strike tactic involving a marked reduction in worker production designed to protest a management action or to gain a specific concession.

Strike—A legally-sanctioned work stoppage invoked by a group of employees to attempt to force employer compliance with the group's demands.

Wildcat Strike—A spontaneous, non-sanctioned strike that may involve any number of employees.

Work Stoppage Monitoring Group (WSMG)—A group of key base officials established and activated locally during work stoppages to monitor operations, receive strike incident reports, answer inquiries, coordinate actions, and provide labor relations guidance.

Attachment 2

WORK STOPPAGE EMERGENCY PLAN (TOPICAL OUTLINE)

A2.1. Overview of Local Labor Situation:

- A2.1.1. Compendium of host country labor laws concerning strikes and other work stoppages.
- A2.1.2. List of representative labor organizations. Include:
 - A2.1.2.1. Estimated or known membership.
 - A2.1.2.2. Names and titles of labor organization officials.
 - A2.1.2.3. List strike-exempt positions if appropriate under law or collective agreement.
 - A2.1.2.4. List collective labor agreement running time and renegotiation date.
 - A2.1.2.5. List past stoppages, to include assessment of known causes, duration, and means of resolution.

A2.2. Work Stoppage Emergency Planning and Operations:

- A2.2.1. Preplanning:
 - A2.2.1.1. Designate WSMG positions and responsibilities.
 - A2.2.1.1.1. Labor situation data collection and analysis.
 - A2.2.1.1.2. Incident reporting (i.e., illegal acts, property damage).
 - A2.2.1.2. General ground rules for personnel augmentation.
 - A2.2.1.2.1. Internal adjustments.
 - A2.2.1.2.2. External needs for a prolonged strike:
 - A2.2.1.2.2.1. If local determination is made that work stoppage may exceed 10 days resulting in serious mission degradation, forward request for external personnel augmentation to HQ USAFE/A1A, UNIT 3050 BOX 25, APO AE 09094-5025.
 - A2.2.1.2.2.2. Identify in the request the required number of personnel by Air Force specialty code (AFSC) skill level, additional special experience and training, required tools, equipment, and clothing, requested reporting date, and number of days temporary duty (TDY) required (including travel time).
 - A2.2.1.3. List the **Dos** and **Don'ts** concerning legally acceptable actions by the US Forces members.
 - A2.2.1.4. Operation plan (OPLAN) training plan and schedule for managers and supervisors.
- A2.2.2. Emergency Operations. List specific and detailed plans by functional area as annexes and document in a day-to-day format (i.e. strike day 1 [S-1], [S-2], etc.). External personnel augmentation needs are detailed, but may not begin before day S-11. List following annexes in the OPLAN: Personnel, Civil Engineer, Logistics, Legal, Medical, Security, Communication and Information, Financial Management, and Public Affairs.

Attachment 3

SPECIAL INSTRUCTIONS FOR HANDLING CONTRACTOR EMPLOYEE WORK STOPPAGES

A3.1. General. When actions of labor dispute and work stoppages involve only employees of contractors for major service contracts, only contractor management will enter into negotiations with the respective unions or parties in an effort to settle the issue. The involvement of Air Force management officials in such situations shall be limited to dealings directly with the contractor as detailed in this attachment. It is the contractor's responsibility to promote and protect the best interest of the US Government. Air Force members must not interfere or try to influence labor disputes between contractors and labor unions representing a contractor work force except to provide the contractor with bargaining parameters in issues that involve monetary demands or conditions of employment governed by a CLA or similar document.

A3.2. Terms Explained. See [Attachment 1](#).

A3.3. Resolution of Labor Unrest. The CSMT as defined in [Attachment 1](#) is specifically responsible for coordination with the contractor to resolve labor unrest. Leadership of this team and action responsibility of specific members follows:

A3.3.1. The Responsible Commander (RC). The commander of the installation where the work stoppage is anticipated or takes place will usually act in this capacity, and assumes leadership of the CSMT. When it is determined the labor dispute affects or may affect other installations supported by contractor personnel, the Directorate of Personnel (HQ USAFE/A1) and Directorate of Logistics (HQ USAFE/A4), in coordination with the appropriate numbered air force (NAF), will determine who the RC will be, and arrange for appointment by the Commander (USAFE/CC). Though not appointed as RC, other installation commanders involved in the labor dispute will participate with the CSMT. The RC must be concerned not only with strike resolution, but the overall effects that work stoppages, strikes or slowdowns will have on other bases where CLAs are of concern for US Forces direct or indirect hire employees, or contractor employees. Upon receipt of notification from the contracting officer that a labor dispute may delay work on a base contract, or there is a potential or actual work stoppage, the RC will:

A3.3.1.1. Convene the CSMT.

A3.3.1.2. Advise the SJA at the respective NAF headquarters whether their on-scene participation is necessary, or to be on call for legal assistance.

A3.3.1.3. Advise HQ USAFE/A1C directly or through the servicing CPF, and request HQ USAFE/A1C on-scene participation, if deemed necessary.

A3.3.1.4. Ensure that WSMG is convened and functioning according to established local work stoppage emergency plan.

A3.3.1.5. Ensure that the CO and CPF report any work stoppage to the appropriate HQ USAFE or HQ USAF functions according to AFI 64-106, paragraph 2.4.

A3.3.1.6. Consult with HQ USAFE/A1C on labor matters that will or are anticipated to have impact at other installations.

A3.3.1.7. Through the CO, provide the government's position to the contractor with due consideration of advice from the CPF, the contractor, the SJA, and if necessary, HQ USAFE/A1C and Contracting Division (HQ USAFE/A4C).

A3.3.1.8. If picketing is anticipated or occurs, initiate the reserve gate procedure detailed in AFI 64-106, paragraph 2.3.3.

A3.3.1.9. Issue instructions for base personnel and other members of the base population to refrain from expressing a position on the merits of the labor-management dispute.

A3.3.2. The CO. The CO is the only person duly authorized to act as the government agent in obligating and representing the government in dealings with a contractor. The CO may direct the contractor only within the limitations of the CO's authority. At no time may the contractor be directed by other than the CO, nor should actions be taken to circumvent the CO's authority. Upon receiving notice directly from a contractor that a labor dispute may delay work of a major service contract, or on receipt of information from any source that there is a potential or actual work stoppage, the CO will:

A3.3.2.1. Immediately notify the RC and the labor relations coordinator and provide information about actions taken by the contractor to settle the matter, the possible impact on installation operations, support services, and active or projected construction projects.

A3.3.2.2. Request negotiation parameters as appropriate from HQ USAFE/A1C, if the labor dispute is linked with employees or union demands for changes in CLA provisions.

A3.3.2.3. Review negotiation parameters and following coordination with the RC and other CSMT members approve them for transmission to the contractor.

A3.3.2.4. Interpret contract provisions for the installation commander and the CSMT to assure the contractor maintains operations and exercises contractor responsibilities for settling a labor dispute according to contract requirements.

A3.3.2.5. Advise the CSMT on local laws and conditions impacting strike resolution and base support.

A3.3.2.6. Monitor contractor actions taken to resolve labor disputes to determine active contractor involvement.

A3.3.2.7. Work closely with the contractor to assure continued satisfactory performance. When satisfactory performance ceases, the CO will ascertain the direct causes and notify the contractor and the commander for appropriate action, that is, augmentation, overtime, work realignment, etc.

A3.3.2.8. Direct the contractor regarding overtime usage to make up for hours lost during a strike per coordination with the local installation commander.

A3.3.2.9. Monitor contractor employee attendance for possible avoided-wage deductions.

A3.3.3. The Contractor. The contractor's interest and that of the US Government must be sufficiently represented when negotiating with a union or on appealing host country government decrees. The contractor should actively seek prompt strike settlement within the negotiation parameters approved by the CO. The contractor will participate with the CSMT to ascertain the government's objectives, provide interpretation of the impact host country labor laws will have on these objectives, and offer recommendations for possible solutions to the existing problem. Upon realization that a labor dispute or unrest develops and may cause interruption in base support, the contractor will:

A3.3.3.1. Notify the CO and provide background on prevailing labor conditions.

A3.3.3.2. Promptly submit employee and union demands to the CO for the establishment of negotiation parameters.

A3.3.3.3. Keep the CSMT advised on status of negotiations, and maintain the settlement within established parameters unless authorized by the CO to exceed same.

A3.3.3.4. Apprise the CSMT of strike actions before and during the labor dispute.

A3.3.3.5. Provide for safety of employees who do not participate in the work stoppage.

A3.3.4. The SJA. The SJA of the concerned numbered air force headquarters or HQ USAFE, as appropriate, will provide legal assistance to the CSMT when and as required by the RC.

A3.3.5. The CPF. The CPF will be the main link between the CSMT and HQ USAFE/A1C, the command labor relations advisor. The CPF will be responsible for strike impact assessment, and initiate requests for HQ USAFE/A1C on-scene involvement. When notified of a strike or a potential strike condition the CPF will:

A3.3.5.1. Promptly inform HQ USAFE/A1C.

A3.3.5.2. Serve on the CSMT and assist in the preparation of negotiation parameters.

A3.3.5.3. Advise the respective installation commander or RC, and the CO on local labor laws and conditions which affect both the contractor and the US Forces employees.